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DECISION



*R. Ayer
Proc. II*

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-190228

DATE: October 18, 1977

MATTER OF: Broken Lance Enterprises, Inc.

DIGEST:

1. Questions concerning small business size status are not for consideration by GAO since authority over such matters is vested by statute in SBA.
2. Protest based on speculation that agency will not conduct preaward survey and that low bidder will be unable to perform at its bid price is not for consideration.

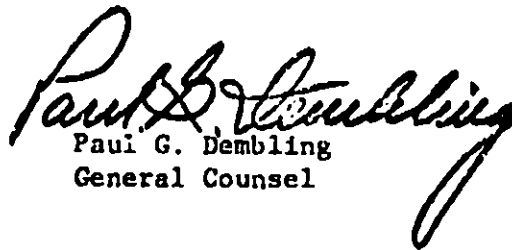
Broken Lance Enterprises, Inc. (Broken Lance) protests the award of a contract for mess attendant services under invitation for bids (IFB) No. DAET35-77-B-0103 issued by the U.S. Army, Fort Dix, New Jersey (Army).

Broken Lance advances two grounds of protest: first, that the apparent low bidder is not a small business and, second, that the Army should make a preaward survey to ensure that bidders offering prices lower than Broken Lance's price are able to perform. Regarding Broken Lance's first contention that the proposed awardee does not qualify as a small business, the Small Business Administration (SBA) is empowered under 15 U.S.C. § 637(b)(6) (1970) to determine the size status of business concerns on procurements set aside for small businesses. Determinations made under this conclusive and exclusive SBA authority are not subject to review by our Office. Inflated Price Co., Inc.; La Crosse Garment Manufacturing Company, B-18724, December 14, 1976, 76-2 CPD 485; Case, Inc.; Bethune Quilting Company, B-185422, January 29, 1976, 76-1 CPD-63.

With respect to the contention that the Army might determine the responsibility of the awardee without the benefit of a preaward survey, we note that the regulations do not require the Army to conduct a preaward survey in determining the responsibility of a bidder. Julian A. McDermott Corporation, B-187705, B-188197, April 18, 1977, 77-1 CPD 266; Armed Services Procurement Regulation 1-905.4(b) (1976 ed.). In any event this Office does not review protests based on the contention that the low bidder will be unable to perform at its bid price. Steamatic of Middle Georgia, Inc., B-188900, May 4, 1977, 77-1 CPD 308.

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Accordingly, the protest is now for consideration.


Paul G. Dembling
General Counsel